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IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)

Plaintiff,)

vs.)

TYSON FOODS, INC., et al,)

Defendants.)

4:05-CV-00329-TCK-SAJ

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THE VIDEOTAPED DEPOSITION OF
ROBERT LAWRENCE, MD, produced as a witness on
behalf of the Defendants in the above styled and
numbered cause, taken on the 28th day of January,
2008, in the City of Tulsa, County of Tulsa, State
of Oklahoma, before me, Lisa A. Steinmeyer, a
Certified Shorthand Reporter, duly certified under
and by virtue of the laws of the State of Oklahoma.

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1 distinguish between risk and outcome, particularly
2 in infectious diseases where many people will
3 experience some stomach cramps and diarrheal disease
4 or nausea and vomiting. It's very transient, and
5 they'll attribute it to the egg salad sandwich they 09:29AM
6 ate the night before rather than to having been
7 swimming in the Illinois River three days before.
8 Though I would not be surprised, despite the very
9 real and imminent threat to the health of the public
10 of exposure in contaminated water, that the causal 09:29AM
11 pathway has not yet been established. It would take
12 a large epidemiologic study, a clinical trial if you
13 will, to make the kind of determination that you're
14 asking for.

15 Q And to your knowledge, that's never been done, 09:29AM
16 has it?

17 A It has been done in other places.

18 Q In the IRW?

19 A Not in the IRW.

20 Q And, Doctor, would you agree with me that 09:29AM
21 people have been drinking water directly out of the
22 ground in the IRW since at least statehood, which in
23 Oklahoma's case is 1907?

24 A And repeat your question, please.

25 Q That human beings have been drinking water 09:30AM

1 directly out of the ground in the IRW since at least
2 statehood?

3 A Yes, that is very probable.

4 Q And can you point me to the name of one
5 individual, just one, who's gotten sick as a result 09:30AM
6 of drinking well water in the IRW since statehood?

7 A Again, with all due respect, I think you're
8 asking the wrong question. The question is the EPA
9 has established, based on very large epidemiologic
10 studies, what are tolerable allowances for 09:30AM
11 groundwater, surface water contamination, and those
12 told are regularly exceeded in the Illinois River
13 watershed.

14 Q So the answer to my question is no, you cannot
15 point me to the name of one individual who's gotten 09:31AM
16 sick?

17 A I'm sorry, but I have to tell you that that's
18 not the right question.

19 Q But will you answer -- I like that question.

20 A You like that question? 09:31AM

21 Q Will you answer that question?

22 A To my knowledge the answer is no.

23 Q Okay. Now, Doctor, don't you think that if
24 there truly were an imminent threat to the health of
25 the citizens of Oklahoma as a result of drinking 09:31AM

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1 probably a threat given that we know that the
2 conditions surrounding the water sampling, the data
3 that I have seen had existed for a number of years.

4 Q Say that again.

5 A Well, the data bacterial counts that I've seen 10:04AM
6 date from 2005 to 2006, but the conditions that
7 existed in 2005, 2006 with the application of an
8 estimated 370,000 or so tons of chicken waste in the
9 watershed on an annual basis have been present for a
10 number of years. So that's why I'm saying that had 10:04AM
11 those measurements been made or if they'd been made,
12 they may be somewhere, but they're not in the
13 materials I've had a chance to look at.

14 Q So the -- do you agree with me that the land
15 application of chicken litter and utilization of it 10:05AM
16 as organic fertilizer has been occurring in the
17 Illinois River basin for at least 40 or 50 years?

18 MR. RIGGS: Object to the form.

19 A I think the -- I don't know about the at least
20 40 or 50 years part. I know that there's been a 10:05AM
21 dramatic increase in poultry production in the
22 Illinois River watershed in the last two decades.
23 I'm not aware or knowledgeable about earlier dates.

24 Q So the imminent threats occurred or been
25 present in all likelihood for at least over 20 10:05AM

1 years?

2 A I believe that's highly likely.

3 Q Doctor, I'm going to hand you what's been
4 marked or what's being marked as Lawrence 1.

5 MR. RIGGS: Here's your list. It was in my 10:06AM
6 notebook, but there have been a number of things
7 since then that aren't on that list.

8 MR. ELROD: Can I --

9 MR. RIGGS: I'll copy it for you.

10 MR. ELROD: Thanks. 10:06AM

11 A This is what we have labeled as 60 and 61.

12 Q Would you compare that Lawrence No. 1 with the
13 one you've got in front of you and make sure you
14 didn't leave anything out when we reduced it?

15 A It appears to be the same document. 10:07AM

16 Q What is this?

17 A This is a summary table of exceedances of
18 bacterial count using both the geometric mean and
19 the single point criteria of the EPA and the State
20 of Oklahoma have adopted for monitoring surface 10:07AM
21 waters, fresh waters and so forth, and the samples
22 are from different points within the Illinois River
23 watershed.

24 Q Who gave this to you?

25 A This was provided to me by -- I believe it was 10:08AM

1 animals.

2 Q Okay. Are you aware of any evidence of
3 Salmonella in the waters of the Illinois River
4 watershed?

5 A I'm not. 03:38PM

6 Q Same question as to Enterococci?

7 A Yes. The Enterococci, we have data from --
8 from my L1, we have the Illinois River watershed
9 bacterial synopsis that shows the number of positive
10 samples for Enterococci. 03:39PM

11 Q Are you aware of any evidence of Campylobacter
12 in waters of the Illinois River watershed?

13 A No.

14 Q Is there any evidence of E. coli 0157 in
15 waters of the Illinois River watershed? 03:39PM

16 A They have not been recovered to my knowledge
17 in the typical water sampling methods.

18 Q So as you sit here today, you're not aware of
19 any E. coli 0157?

20 A These E. coli here are not characterized, but 03:39PM
21 I assume that they've been typed, but I don't know
22 that. This could capture, for example, the Illinois
23 River near Tahlequah. Is that how you pronounce it?

24 Q Tahlequah.

25 A Tahlequah. Has a geometric mean finding of 03:40PM